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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,274	03/10/2004	Paul Rich	WLJ.103	9386
20987 7590 12/11/2007 VOLENTINE & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			EXAMINER ESTRADA, MICHELLE	
			ART UNIT 2823	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/796,274	Applicant(s) RICH ET AL.	
	Examiner Michelle Estrada	Art Unit 2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,9,10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9,10 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoon et al. (2003/0022487).

Re claim 1, Yoon et al. disclose discloses a method of sputtering a tungsten film fromm a tungsten target onto a semiconductor wafer (Page 4, [0047]) including using xenon as a sputter gas (Page 6, [0073]), wherein the wafer is supported by a negatively biased platen during the sputtering (Page 4, [0049]), and wherein the resistivity of the tungsten film is less than 11 $\mu$ ohm cm, the resistivity is an inherent property, since the same materials are treated in the same manner as the claim, then the resistivity recited would be obtained.

Re claim 9, Yoon et al. discloses wherein the sputter gases further include argon (Page 3, [0070]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. as applied to claims 1 and 9 above, and further in view of the following comments.

Re claims 2 and 3, Yoon et al. does not specifically disclose using krypton, Yoon et al. discloses using xenon as explained above in claim 1, but since they are both noble gases they are going to be utilized in the same manner, so it is a matter of design choice to use either xenon or krypton in this case.

Re claims 2 and 3, 5, 6 and 10, One of ordinary skill in the art would have been led to the recited pressure, ratio of argon to xenon, power and temperature through routine experimentation to achieve a desired device dimension, device associated characteristics and device density on the finished wafer.

In addition, the selection of ratio of argon to xenon, pressure, power and temperature, its obvious because it is a matter of determining optimum process conditions by routine experimentation with a limited number of species of result effective variables. These claims are prima facie obvious without showing that the claimed ranges achieve unexpected results relative to the prior art range. In re Woodruff, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also In re Huang, 40 USPQ2d 1685, 1688

(Fed. Cir. 1996)(claimed ranges or a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art). See also *In re Boesch*, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill or art) and *In re Aller*, 105 USPQ 233 (CCPA 1995) (selection of optimum ranges within prior art general conditions is obvious).

Note that the specification contains no disclosure of either the critical nature of the claimed ratio of pressure, argon to xenon, power and temperature or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen ratio of argon to xenon, pressure, power and temperature or upon another variable recited in a claim, the Applicant must show that the chosen ratio of argon to xenon, pressure, power and temperature are critical. *In re Woodruf*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. as applied to claims 1 and 9 above, and further in view of Taguwa (6,800,543) in view of Matsumoto et al. (6,451,690).

Yoon et al. does not disclose forming a tungsten/tungsten nitride stack on a wafer including sputtering tungsten nitride film on a wafer and sputtering a tungsten film on the tungsten nitride film wherein the two sputtering processes are performed in a single chamber using a single target.

Taguwa discloses a method of forming a tungsten/tungsten nitride (16/17) stack on a wafer including sputtering a tungsten nitride film (16) on a wafer and sputtering a tungsten film (17) on the tungsten nitride film (Col. 5, lines 1-65); wherein the tungsten nitride film is deposited by reactive sputtering and the sputter gases include nitrogen (Col. 5, lines 20-32).

Taguwa does not specifically disclose wherein the two sputtering processes are performed in a single chamber using a single target.

Matsumoto et al. disclose a method of forming metal film by sputtering method; wherein the metal films can be continuously formed by using the same target placed in the same chamber by merely changing the kind of gas to be used for the sputtering (Col. 5, lines 33-36).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Yoon et al., Taguwa and Matsumoto et al. to use the same target and chamber in the sputtering processes of Matsumoto et al. to be performed in the process of Taguwa because using the same target placed in the same chamber improves the throughput.

Re claim 15, the combination of Yoon et al., Taguwa and Matsumoto et al. as explained above, forms a gate structure by the method of claim 13.

Re claim 16, Yoon et al. disclose wherein the resistivity of the tungsten film is less than  $11\mu\text{ohm cm}$ , the resistivity is a property, therefore since the same materials are treated in the same manner as the claim, then the resistivity recited would be obtained.

Claim 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. as applied to claims 1 and 9 above, and further in view of Taguwa (6,800,543) in view of Matsumoto et al. (6,451,690).

Yoon et al. does not specifically disclose using krypton, Le et al. discloses using xenon as explained above in claim 1, but since they are both noble gases they are going to be utilized in the same manner, so it a matter of design choice to use either xenon or krypton in this case.

With respect to claim 14, Taguwa discloses a method of forming a tungsten/tungsten nitride (16/17) stack on a wafer including sputtering a tungsten nitride film (16) on a wafer and sputtering a tungsten film (17) on the tungsten nitride film (Col. 5, lines 1-65); wherein the tungsten nitride film is deposited by reactive sputtering and the sputter gases include nitrogen (Col. 5, lines 20-32).

Taguwa does not specifically disclose wherein the two sputtering processes are performed in a single chamber using a single target.

Matsumoto et al. disclose a method of forming metal film by sputtering method; wherein the metal films can be continuously formed by using the same target placed in the same chamber by merely changing the kind of gas to be used for the sputtering (Col. 5, lines 33-36).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Yoon et al., Taguwa and Matsumoto et al. to use the same target and chamber in the sputtering processes of Matsumoto et al. to be performed in the process

of Taguwa because using the same target placed in the same chamber improves the throughput.

Re claim 17, Le et al. disclose wherein the resistivity of the tungsten film is less than  $11\mu\text{ohm cm}$ , the resistivity is a property, therefore since the same materials are treated in the same manner as the claim, then the resistivity recited would be obtained.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 571-272-1858. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michelle Estrada  
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Art Unit 2823